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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,657	03/01/2002	Bryan D. Bigsby	3191E-000028	7892
27572	7590	09/14/2004	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			JIMENEZ, MARC QUEMUEL	
P.O. BOX 828			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48303			3726	


DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,657

Applicant(s)BIGSBY, BRYAN D. **Examiner**

Marc Jimenez

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) 11-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of the originally presented invention encompassing Claims 1, 3, 4, and 6-10 in the reply filed on 1/20/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 3, and 4** are rejected under 35 U.S.C. 102(b) as being anticipated by Sweeney (5,971,654).

Sweeney teaches inserting an axle 13 through a support hole formed in a wall 28 of a mounting bracket 21, aligning a leaf spring 11 beneath the axle 13 and above a bottom plate 23; inserting ends of a U-bolt 17 initially through a first set of apertures 25 associated with the mounting bracket 21 and subsequently through a second set of apertures of the bottom plate 33, the U-bolt 17 encompassing the leaf spring 11 and being inserted in a downward direction, and securing the leaf spring 11 between the axle 13 and the bottom plate 23 by securing a fastener 29

Art Unit: 3726

at the bottom plate 23. It is noted that the U-bolt 17 encompasses at least a side portion of the leaf spring 11.

Regarding claim 3, note the trough between 53 and 51.

Regarding claim 4, note that there are additional apertures in each bracket 23,21.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sweeney.

Sweeney teaches the invention cited with the exception of using washers. Official notice is taken that was well known to a person of ordinary skill in the art, at the time of the invention, to have used washers in order to prevent damage to respective plates. Applicant has acquiesced the well known statement in the last office action by not rebutting the well known statement. (MPEP 2144.03). Therefore, it is admitted prior art that it was well known to use washers.

6. **Claims 7-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweeney in view of Lang et al. (6,223,865).

Sweeney teaches the invention cited with the exception of having a disc brake.

Lang et al. teach that it is known to use disc brakes (abstract, line 2).

Art Unit: 3726

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Sweeney with a disc brake, in light of the teachings of Lang et al., in order to provide a brake assembly that is compact and easy to service as suggested by Lang et al. at col. 2, lines 9-30.

Regarding claim 10, Sweeney /Lang et al. teach the invention cited with the exception of using washers. However, official notice is taken that it is well known to use washers in order to prevent damage to the plates. Applicant has essentially acquiesced the well known statement in the last office action by not rebutting the well known statement (see also MPEP 2144.03). Therefore, it is taken as applicant's admitted prior art to use washers.

7. **Claims 1, 3, 4 and 6-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art [AAPA] (page 1, para. [0003] to page 2, para. [0004] of applicant's specification) in view of Sweeney.

Regarding claims 1 and 7, [AAPA] teaches that it is known to attach an axle to a leaf spring by utilizing U-bolts (para. [0003], line 3). Furthermore, it is known to use disc brakes (para. [0004], line 1).

[AAPA] teach the invention cited with the exception of inserting the axle through a support aperture of a mounting bracket, aligning a leaf spring beneath the axle and above a bottom plate, inserting ends of a U-bolt initially through a first set of apertures associated with the mounting bracket and subsequently through second set of apertures of the bottom plate, the U-bolt encompassing the leaf spring and being inserted in a downward direction, and securing the leaf spring between the axle and the bottom plate by securing the fastener at the bottom plate.

Art Unit: 3726

Sweeney inserting an axle **13** through a support hole formed in a wall **28** of the mounting bracket **21**, aligning a leaf spring **11** beneath an axle **13** and above a bottom plate **23**, inserting ends of a U-bolt **17** initially through a first set of apertures associated with the mounting bracket and subsequently through second set of apertures of the bottom plate **23**, the U-bolt **17** encompassing the leaf spring **11** and being inserted in a downward direction, and securing the leaf spring **11** between the axle **13** and the bottom plate **23** by securing the fastener **29** at the bottom plate **23**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of [AAPA] with inserting the axle through a support hole formed in a wall of a mounting bracket, aligning a leaf spring beneath an axle and above a bottom plate, inserting ends of a U-bolt initially through a first set of apertures associated with the mounting bracket and subsequently through second set of apertures of the bottom plate, the U-bolt encompassing the leaf spring and being inserted in a downward direction, and securing the leaf spring between the axle and the bottom plate by securing the fastener at the bottom plate, in light of the teachings of Sweeney, in order to secure the spring and axle together without imposing detrimental forces or stresses.

Sweeney teaches the features of claims 4, 8, and 9 as discussed above.

Regarding claims 6 and 10, [AAPA]/ Sweeney teach the invention cited with the exception of using washers. However, official notice is taken that it is well known to use washers in order to prevent damage to the plates. Applicant has essentially acquiesced the well known statement in the last office action by not rebutting the well known statement (see also MPEP 2144.03). Therefore, it is taken as applicant's admitted prior art to use washers.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 3, 4, and 6-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Interviews After Final

10. Applicant note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing) to clarify issues for appeal requiring only nominal further

Art Unit: 3726

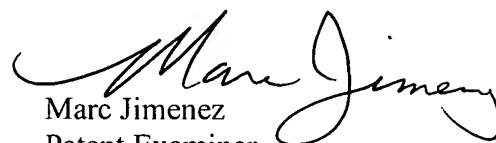
consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09.

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is (703) 306-5965. The examiner can normally be reached on Monday-Friday between 5:30 a.m.-2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marc Jimenez
Patent Examiner
AU 3726

MJ
September 9, 2004